


REMARKS/ARGUMENTS

The Examiner rejected Claim 8 under 35 U.S.C. § 102(b) as being anticipated by Patent Number 5,477,017 ("Swindler"). Although the applicants do not believe that Swindler anticipates claim 8, as defined in the M.P.E.P., claim 8 is being canceled such that a new claim more specifically defining the invention can be submitted under the terms of Rule 1.116 after final amendments. New claim 9 is basically a combination of previously allowed claims 1 and 5, of the present application, and as such does not add new matter nor require a new search. The Examiner indicated in the interview of September 23, 2003, that in its broadest sense the window 122 of Swindler could be a means for illuminating and thereby anticipate the illuminating means of claim 8. New claim 9 clearly defines the illuminating means as a lamp and the window as a means for viewing the enclosed first and second switch contacts and first switch blade (claim 5). Swindler clearly does not teach or suggest a lamp for illuminating and only teaches a window for receiving a racking device (Col. 3, lines 25-29). Further, in reviewing US Patent No. 4,693,132, incorporated by reference in Swindler and referenced by the Examiner in the Final rejection of claim 8, the only thing that can be seen through the window (opening 40) is the end 38 of the worm gear racking mechanism 38 (Figures 2, 3, 6 and 7). Further, in Col. 4, lines 25-31, an access door 86 is indicated as covering the opening 40 when the switch is in the closed position, thereby preventing an possibility of illuminating or viewing the inside of the switch. The applicants contend that new claim 9 is admissible under Rule 1.116 and is allowable over the cited art.

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Respectfully submitted,



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